

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RAYMOND TETRAULT, TIMOTHY)	
MUELLER, RICHARD DOYLE AND)	
DELBERT CLICK,)	
)	
Plaintiffs,)	
)	No.
vs.)	
)	
UNITED PARCEL SERVICE CO.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW, Defendant United Parcel Service Co. and for its Notice of Removal states as follows:

1. Grounds for this removal is based on diversity jurisdiction, 28 U.S.C. § 1332.
2. A civil action was filed in the Circuit Court of St. Louis City, Missouri, wherein Raymond Tetrault, Timothy Mueller, Richard Doyle and Delbert Click are Plaintiffs and United Parcel Service Co. ("UPS") is Defendant, said action being designated Cause No. 1122-CC00780.
3. A copy of the Summons, Petition and other Circuit Court filings are attached to this Notice of Removal as Exhibit A.
4. Said Cause No. 1122-CC00780 ("Cause") was commenced on or about March 19, 2011, and a copy of the Petition and summons were served on Defendant on March 23, 2011. Defendant hereby removes the Cause to this Court on April 19, 2011.
5. Plaintiffs' Petition alleges that Defendant UPS wrongfully discharged Plaintiffs and that UPS subjected Plaintiffs to harassment and discrimination on account of Plaintiffs' race,

age, color and/or sex. (Exh. A, ¶¶ 4) Plaintiffs' Petition does not specifically identify the statutory basis upon which Plaintiffs file suit, however, Plaintiffs' Petition alleges violations of federal anti-discrimination laws.

6. This Notice of Removal is filed within thirty (30) days of March 23, 2011, the date of acceptance of the summons and copy of the Petition by Defendant UPS.

7. Defendant UPS is the only defendant, and, therefore, all defendants join and consent to this removal.

8. Diversity jurisdiction exists between the Plaintiffs and Defendant.

9. As of the date of the commencement of this cause and at all times relevant, all of the Plaintiffs were residents of the State of Missouri (Exh. A, ¶ 2)

10. As of the date of the commencement of this cause and the removal of this cause, Defendant UPS was, and still is, a corporation organized under the laws of the State of Ohio with its principal place of business in Atlanta, Georgia, and is thereby a citizen of the States of Ohio and Georgia. (Exh. B, ¶ 4)

11. With preponderance of the evidence and to a legal certainty, each Plaintiff is seeking in excess of \$75,000 and, therefore, the jurisdictional amount is satisfied. *Synergetics, Inc. v. Hurst, Jr.*, 333 F.Supp.2d 841, 843 (E.D. Mo. 2004).

12. Plaintiffs allege that as a result of their wrongful discharge by Defendant UPS, each Plaintiff suffered lost income in excess of \$100,000 per year. (Exh. A, ¶ 9 (i)) In addition, each Plaintiff claims to have suffered damages in lost medical insurance, pension benefits, and other fringe benefits. (Exh. A, ¶ 9 (ii)) Each Plaintiff also claims to have suffered damages in being forced to miss loan payments and consequential damage to their credit. (Exh. A, ¶ 9(iv))

Moreover, in their “Prayer for Relief,” each Plaintiff seeks punitive damages in addition to compensatory damages. (Exh. A)

13. Plaintiffs aver facts clearly demonstrating that they seek damages in excess of \$75,000. (Exh. A, ¶ 6). *Synergetics*, 333 F.Supp.2d at 843 (if an initial pleading does not reveal on its face that the plaintiff is seeking damages in excess of the jurisdictional minimum amount, the federal court may look to the petition for removal.) (citations omitted).

14. This Court has subject matter jurisdiction over this suit based upon the diversity of the parties, 28 U.S.C. § 1332.

WHEREFORE, Defendant United Parcel Service gives notice that the above action initiated in the Circuit Court of the City of St. Louis, Missouri has been removed to the United States District Court for the Eastern District of Missouri, Eastern Division, for the reasons stated above.

ARMSTRONG TEASDALE LLP

BY: /s/ Jovita M. Foster

Jovita M. Foster, #52455MO
7700 Forsyth Blvd., Suite 1800
St. Louis, Missouri 63105
314.621.5070
314.621.5065 (facsimile)
jfoster@armstrongteasdale.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2011, the foregoing was filed via ECF and mailed via U.S. mail, to the following:

John Wendler
119 Pleasant Ridge
Edwardsville, IL 62025
Attorney for Plaintiff

/s/ Jovita M. Foster